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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,994	06/17/2005	Michael Rosenbauer	2002P01290WOUS	8036

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BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
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EXAMINER

GOLIGHTLY, ERIC WAYNE

ART UNIT	PAPER NUMBER
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1792

MAIL DATE	DELIVERY MODE
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05/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/539,994	Applicant(s) ROSENBAUER, MICHAEL	
	Examiner Eric Golightly	Art Unit 1792	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 May 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☒ The Notice of Appeal was filed on 1 May 2008. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 20-41.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement(s)*. (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Michael Kornakov/
Supervisory Patent Examiner, Art Unit 1792

/Eric Golightly/

Continuation of 3. NOTE: The proposed amendment misses the previously presented word "data" after the word "identifies" on line 6 of claim 23 and allegedly introduces new limitation "dosing device" (line 10 of claim 23) which has already been presented. As such, the proposed amendment will not be entered as it is one that requires, at the very least, consideration of a claim objection or a 35 U.S.C. 112, 2nd paragraph rejection.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that the applied references do not teach or suggest the features of the claimed invention including a household device for treating objects that includes: 1) operating a first part of an identification system to identify data of a second part of the identification system that comprises information on a dosing device; 2) a program controller that controls the treatment of the objects to optimize ambient conditions for dispensing the treatment agent from the dosing device at a predetermined time based upon the first data and the second data; and 3) a program controller that controls the time of dispensing of the treatment agent from the dosing device during the treatment of the objects to optimize the effectiveness of the treatment agent based upon the first data and the second data.

Applicant's arguments are not persuasive because the applied references do teach, or at least suggest, the the claimed features, namely: 1) WO0032864 to Mourad (hereinafter "Mourad") teaches operating a washing machine control unit (Mourad, first paragraph of EPO machine translation of detailed description), or first part of an identification system, to identify data of an external datum carrier (id. at paragraphs 13 and 18), or second part of the identification system, that comprises information on a dosing device (id. at paragraphs 29, 31, 33 and 35); 2) the control unit, or controller, optimizes temperature, or ambient conditions, for dispensing the treatment agent based on the data (id. at paragraphs 2 and 20-27); and 3) the program controller controls the time of dispensing to optimize the effectiveness of the agent based upon the data (id. at paragraph 32, 40 and 50). Moreover, the latter two limitations above are recited in the present application in device claims (39 and 41, respectively), rather than method claims. Thus, the applied references need merely be fully capable of performing the claimed optimizations, and they are.